IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 22803 of 2005

Between:

Md. Gafar

..... PETITIONER

AND

The District Election Authority District Collector,
Mahabubnagar District and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 2nd respondent in rejecting the nomination of the petitioner for the election of 4th Block, Primary Agricultural Cooperative Society, Balanagar, Mahabubnagar District, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation.

The contention of the petitioner is that the 2nd respondent, at the instance of the 3rd respondent, rejected his nomination on the ground that the petitioner is having more than two children after the notified date. It is further contended that the cut off date, not to have more than two children, is 02.01.1996.

The impugned order goes to show that the petitioner filed nomination for 4th Block of Cooperative Elections 2005-06, and as per the Certificate issued by the Panchayat Secretary, Modampally and as per the certificate issued by the Mandal Revenue Inspector, Balanagar, the petitioner has got five children and his last child was born on 02.06.1998, and therefore, the petitioner incurred disqualification. The petitioner contended that his wife undergone sterilization operation on 14.06.1995 and therefore, there is no possibility of having third child after 01.01.1996.

I am of the opinion that all these disputed facts cannot be decided in this writ

petition. Therefore, the writ petition cannot be entertained and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, it is left open to the petitioner to file an Election Petition in a competent Court of law, raising all his contentions, if he so advised. No order as to costs.

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V.ESWARAIAH,J

Dated: 24.10.2005

Dsr